

Attorney Docket No.: PATENT
SCI-00602

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22264 U. S. PTO
10/669294



MAIL STOP PATENT APPLICATION
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Anticipated Classification of this Application:
Class: _____ Subclass: _____
Prior Application: 10/097,555
Examiner: Peffley, Michael F
Art Unit: 3739

TRANSMITTAL OF FILING UNDER 37 C.F.R. § 1.53(b)

Sir: This is a request for filing a Divisional application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 10/097,555 filed on March 12, 2002 of James L. Hobart et al. for **LASER SYSTEM AND METHOD FOR TREATMENT OF BIOLOGICAL TISSUES**

CERTIFICATION UNDER 37 § 1.10

I hereby certify that this new application and the document referred to as enclosed herein are being deposited with the United States Postal Service on this date September 23, 2003 in an envelope bearing "Express Mail Post Office to Addressee" Mailing Label Number EV349858490US addressed to: **MAIL STOP PATENT APPLICATION**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Juan Rascon
(Name of Person Mailing Paper)

Juan D. Rascon
Signature

1. Copy of Prior Application as Filed Which is Attached

I hereby verify that the attached papers are a true copy of what is shown in my records to be the above identified prior application, including the oath or declaration originally filed. The copy of the papers of prior application as filed which are attached are as follows: 25 page(s) of specification; 8 page(s) of claims; 1 page(s) of abstract; 8 sheet(s) of drawings; 2 page(s) of combined declaration/power of attorney (unexecuted). A copy of the original signed combined declaration/power of attorney was filed October 8, 2002 in response to the notice to file missing parts mailed April 8, 2002 is attached.

2. Amendments

☒ Cancel in this application original claims 1-18 and 32-47 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).

☒ A preliminary amendment is attached.

3. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS FILED				Basic Fee (37 C.F.R. § 1.16(a))
	Number Filed	Number Extra	Rate	740.00
Total Claims (37 C.F.R. § 1.16(c))	13 - 20 =	0	\$18.00	0.00
Independent Claims (37 C.F.R. § 1.16(b))	1 - 3 =	0	\$84.00	0.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$280.00	0.00
			Filing Fee Calculation	\$740.00

4. ☒ Applicants are entitled to small entity status

5. Drawings 8 Sheets of drawings are enclosed.

☒ Formal.

6. Relate Back-35 U.S.C. § 120

X Amend the specification by modifying the paragraph at Page 1, lines 4-8 to read:

-This Patent Application is a divisional of U.S. Patent Application Serial No. 10/097,555, filed March 12, 2002, and entitled "LASER SYSTEM AND METHOD FOR TREATMENT OF BIOLOGICAL TISSUES" which claims priority under 35 U.S.C. 119 (e) of the co-pending U.S. Provisional Patent Application, Serial No. 60/275,828, filed March 13, 2001, and entitled "MEDICAL LASER SYSTEM". The Provisional Patent Application, Serial No. 60/275,828, filed March 13, 2001, and entitled "MEDICAL LASER SYSTEM" is also hereby incorporated by reference.-

7. Inventorship Statement

(a) With respect to the prior co-pending U.S. application from which this application claims benefit under 35 U.S.C. § 120 the inventor(s) in this application are:

X the same.

(b) The inventorship for all the claims in this application are:

X the same.

8. Fee Payment Being Made At This Time

X Enclosed.

Total Fees Enclosed	\$370.00
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9. Method of Payment of Fees

X Check in the amount of \$370.00 is enclosed

10. Authorization To Charge Additional Fees

X The Commissioner is hereby authorized to charge any fees or credit any overpayment during the pendency of this application to Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

11. Power of Attorney

X The power of attorney in the prior application is to: Jonathan O. Owens, HAVERSTOCK & OWENS LLP, 162 N. Wolfe Road, Sunnyvale, CA 94086.

a. X Address all future communications to:
HAVERSTOCK & OWENS LLP
ATTN: Jonathan O. Owens
162 N. Wolfe Road
Sunnyvale, CA 94086

12. Maintenance of Codependency of Prior Application

X This application is a divisional of co-pending Serial No. 10/097,555 filed on March 12, 2002.

13. X Incorporation by Reference

The entire disclosure of the prior application(s), from which a copy of the oath of declaration is supplied under Box 1, is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: September 23, 2003

By: Jonathan O. Owens
Name: Jonathan O. Owens
Registration No.: 37,902